

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In Re:

EMILIE VILLA-IGNACIO PADIERNOS,

Debtor.

IN CHAPTER 13 PROCEEDING  
NO. 20-11939

TRUSTEE'S OBJECTION TO CONFIRMATION

The Trustee objects to confirmation of the debtor's plan, filed September 03, 2020 (ECF No. 20) as follows:

The debtor filed this case on July 21, 2020 (ECF No. 1). (1) As of September 25, 2020, the debtor is \$2,200.00 delinquent in her plan payments to the Trustee. The debtor must make complete and timely plan payments to the Trustee. (2) In Section IV.C.2. of her plan (ECF No. 20) the debtor proposes monthly payments of \$99.66 to cure the \$4,480.00 in arrears owed to creditor Northgate West Condominium with 12% interest. According to the creditor's Objection to Confirmation (ECF No. 22), the arrears to be cured on this obligation total \$4,707.90. Based on the creditor's Objection, the debtor's proposed payment is insufficient to cure the arrears within the term of the plan. The Trustee estimates the debtor's payment on the arrears owed to Northgate West Condominium Association would need to increase to approximately \$105.00. (3) In Section IV.C.3.b. of her plan, the debtor proposes monthly payments of \$0.00 to creditor Tidewater Finance Co. and states under collateral, "Notice – Statute of limitations bars debt." The debtor should amend her plan to remove creditor Tidewater Finance Company from Section IV.C.3.b for the following reasons. First, the debtor's description of the collateral is a finding of fact and is inappropriate for her Chapter 13 plan. Second, Section IV.C.3. of a Chapter 13 plan is for secured obligations the debtor intends for the Chapter 13 Trustee to pay from the debtor's plan payments. Here the debtor is proposing a no payment for the Trustee to make and so this provision should be removed from the

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plan. Lastly, creditor Tidewater Finance Company has filed a claim in this case (ECF Claim No. 4) which they assert as fully unsecured. If this is the same debt which the debtor is referencing in her plan, then any proposed payment to this creditor would be inappropriate for Section IV.C.3 of the debtor's plan. (4) In her Schedule A/B (ECF No. 13), the debtor disclosed an ongoing Workers Compensation Claim, a possible malpractice claim against Aaron Adee, and a possible claim against Contents Specialists for damaged property. The debtor should amend Section X. of her plan to provide that any non-exempt proceeds from these claims shall be paid to the Trustee to disburse to allowed unsecured claims. (5) The Trustee reserves the right to assert additional bases for this pleading.

THE TRUSTEE REQUESTS:

That the Court enter an order denying confirmation of the debtor's plan, and setting deadlines for filing and noting a feasible amended plan.

Dated: September 25, 2020

/s/ Jason Wilson-Aguilar  
Jason Wilson-Aguilar, WSBA #33582  
Chapter 13 Trustee